UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 July 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _8-26_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _8-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 8-26 have been considered but are moot in view of the new grounds of rejection.

Applicant argues that Bartok does not disclose the template as disclosed in claims 8 and 13, as amended, which describes templates that are usable to apply attributes to arbitrary hot spots (applicant's remarks, pages 6-7).

In response, the templates used which apply attributes without regard to a specific hot spot (that is, prior to the paint operation performed by a user) is the map 104, taught by Bartok, which associates a color index with a function, and the rejection has been correspondingly updated to reflect this. This template enables an attribute to be associated with any arbitrary hot spot through the use of a straight forward paint operation by a user, where the template translates the color index value into an attribute, such as making a telephone call, sending a fax, document creation, indexing, or the like (Bartok, col. 13, lines 5-10). The paint operation allows the associated attribute to be associated with any arbitrary hot spot, as the subsequent association of the color index value with pixel values is applicable to any hot spot (Bartok, col. 13, lines 40-45).

Applicant further argues that because Lonnroth does not teach hot spots, and therefore cannot teach disclose translating hot spot and corresponding

attributes from the generic format into a first format prior to embedding

(applicant's remarks, page 8).

In response to applicant's arguments against the references individually,

one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wistendahl et al. (5,708,845, of record) [Wistendahl] in view of Lonnroth et al.

(6,826,597, of record) [Lonnroth] and Bartok (5,737,553, of record).

Regarding claims 8, 13, and 19, Wistendahl discloses a method for

creating links to enhanced content on a video stream (col. 2 line 30 – col. 3 line

50) comprising:

defining at least one attribute for a hot spot (user defines an association

between an object and a hyperlink, col. 10, lines 5-15);

enabling a user to halt said video stream so as to provide a single video frame for viewing (col. 6, lines 62-65);

providing a graphical user interface for receiving from the user a geometric outline defining a hot spot on said single video frame (col. 9 line 66 – col. 10 line 5);

assigning enhancement attributes to said hot spot (col. 10, lines 5-57);

storing said hot spot and said attributes in a generic format (col. 4 line 60 – col. 5 line 15);

embedding said hot spot and said attributes into a video stream (the hot spots and IDM program are multiplexed together with video data sent over the same data transmission link, col. 6 line 40 – col. 7 line 13); and

displaying said hot spot using a first set top box on a video screen and allowing a viewer to access said hot spot whereby said viewer may access said enhanced content (col. 4 line 60 – col. 5 line 15).

Wistendahl fails to disclose creating a template that defines an attribute assignable to hot spots and translating said hot spot and said attributes from said generic format into a first format prior to embedding.

In an analogous art, Bartok discloses a method for enhancing content wherein a template that defines an attribute assignable to hot spots is created (fig. 4, map 104, col. 13, lines 46-51) and used to assign attribute information to a hot spot (user's assign an individual color or color code to a hot spot object, which then links the attribute to the hot spot according the map, col. 13, lines 21-

45), providing the benefit of improved linking between screen objects and executable attributes that is more processor efficient (col. 9, lines 29-35 and col. 14, lines 26-35).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Wistendahl to include creating a template that defines an attribute assignable to hot spots and using said created template to assign attribute information to a hot spot, as taught by Bartok, for the benefit of improved linking between screen objects and executable attributes that is more processor efficient.

Wistendahl and Bartok fail to disclose translating said hot spot and said attributes from said generic format into a first format prior to embedding.

In an analogous art, Lonnroth teaches a method for translating client requested data into a format compatible with the client device (col. 3, lines 13-31) wherein content is converted into a format determined to be compatible with the requesting client prior to delivering the content to the client (col. 7, lines 40-50; col. 8, line 20 – col. 9 line 24), providing the benefit of allowing a single application to be compatible with many different types of clients (col. 10, lines 25-60).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Wistendahl and Bartok to include translating data from a generic format to a first format prior to embedding, for the benefit of allowing a single application to be compatible with many different types

of clients. Wistendahl teaches cross platform compatibility is accomplished by

loading the desired IDM program from a separate peripheral device (Wistendahl,

col. 7, lines 29-36), a limitation which is alleviated by the teachings found in

Lonnroth.

Regarding claims 14 and 20, Wistendahl, Bartok, and Lonnroth disclose

the method of claims 13 and 19, further comprising translating said hot spot and

said attributes from said generic format into a second format and embedding said

hot spot and said attributes in said second format into a video stream (Lonnroth

teaches the format is dependent upon the requesting client, col. 10, lines 35-40,

and thus two different clients would receive two different formats, which requires

a change to the template [the IDM taught by Wistendahl]).

Regarding claims 15 and 21, Wistendahl, Bartok, and Lonnroth disclose

the method of claims 14 and 19, wherein said translating is accomplished by an

XSL translator (Lonnroth, col. 9, lines 1-24).

Regarding claims 12, 16, and 22, Wistendahl, Bartok, and Lonnroth

disclose the method of claims 8, 14, and 21, wherein said first format is adapted

to be displayed on a first set top box and said second format is adapted to be

displayed on a second set top box (the first and second clients are requesting set

top boxes, as taught by both Wistendahl, fig. 3, set top box 32, and Lonnroth, col.

10, lines 53-60, and thus the template information used in filtering would include

the types of set top boxes which can display the hot spots, Lonnroth, col. 9, lines

25-38).

Regarding claims 9, 17, and 23, Wistendahl, Bartok, and Lonnroth

disclose the method of claims 8, 14, and 21, wherein said first format comprises

a first set of visual attributes and said second format comprises a second set of

visual attributes, said first set of visual attributes and said second set of visual

attributes having at least one dissimilar attribute (Lonnroth, col. 8, lines 20-53).

Regarding claims 11, 18, and 24, Wistendahl, Bartok, and Lonnroth

disclose the method of claims 8, 14, and 21, wherein said first format comprises

a first set of URL links and said second format comprises a second set of URL

links, said first set of URL links and said second set of URL links having at least

one dissimilar URL link (the IDMs being customized for each client comprise

hyperlinks to World Wide Web pages or other services on the Internet,

Wistendahl, col. 4 line 60 – col. 5 line 15, and Lonnroth teaches different clients

will receive different links, col. 4 line 57 – col. 5 line 3).

Regarding claims 10, 25, and 26, Wistendahl, Bartok, and Lonnroth

disclose the method of claims 8, 14, and 21, but fail to disclose said first format is

adapted to a first language and said second format is adapted to a second language.

It is notoriously well known in the art to customize applications by translating the application into different languages, allowing people who speak different languages to understand the same display of textual or spoken information.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Wistendahl, Bartok, and Lonnroth to include said first format is adapted to a first language and said second format is adapted to a second language, for the benefit of allowing people who speak different languages to understand the same display of textual or spoken information.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER